

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-11 are currently pending in the application, Claims 1, 3-7, and 9-10 having been amended and new Claim 11 presented by way of the present amendment. No new matter is added.¹

In the Office Action, Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; Claim 10 was rejected under 35 U.S.C. §101 as directed to non-statutory subject matter; Claim 1, 3-5, 9, and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Addington et al. (U. S. Patent No. 6,404,239, hereinafter, “Addington”); Claim 2 was rejected under §103(a) as being unpatentable over Addington in view of Thijssen (U.S. Patent Publication No. 2006/0193559).

In response to the rejection of Claims 1-10 under 35 U.S.C. §112, second paragraph, the Claims have been amended to recite “the broadcasting station set *by the setting means*” to clarify that the term “broadcasting station set” refers not to a set of broadcasting stations, but rather to the “at least a broadcasting station” set by the setting means. Applicants respectfully submit that the claims are definite and respectfully request that the rejections be withdrawn.

In response to the rejection of Claim 10 under 35 U.S.C. §101, Claim 10 has been amended to recite “*a non-transitory computer-readable medium having a recorded program.*” Applicants respectfully submit that Claim 10, as amended, is directed to statutory subject matter and respectfully request that the rejection be withdrawn.

¹ Support for the amendments to Claims 1, 9 and 10 may be found at least in paras. [0435]-[0472], and in Figs. 25 and 28-29. Claims 9 and 10 are further amended to avoid interpretation under 35 U.S.C. § 112, sixth paragraph. Claims 3-7 are amended for informalities and for accord with amended Claim 1. Support for new Claim 11 may be found at least at paras. [0011], [0068]-[0069] and paras. [0435]-[0472], and in Figs. 25, 28-29.

In response to the rejection of Claim 1 under 35 U.S.C. §102(b) as anticipated by Addington, Applicants respectfully traverse this rejection. Amended Claim 1 recites, in part,

communication means for transmitting request information to an external device, the request information requesting at least titles of programs previously broadcasted from the broadcasting station set by the setting means, broadcasting dates and times of the programs, and titles of content broadcasted in the programs, and receiving reply information returned from the external device in response to the request information, the reply information including at least titles of programs previously broadcasted from the broadcasting station set by the setting means, broadcasting dates and times of the programs, and titles of content broadcasted in the programs; and
program table creation means for creating a program table based on the reply information.

The Office Action rejects Claim 1 as anticipated by Addington, which is directed to a hierarchical file system for indexing data broadcast to a client from a network of servers. In particular, the Office Action relies on the client 212 of Addington, described at col. 8, lines 38-47 and col. 10, lines 19-25, for teaching the program table creation means of amended Claim 1. These passages describe that an example broadcast file system is an electronic program guide (EPG) application, which includes a listing of television programs which are *currently being broadcast or will be broadcast in the near future*, where the EPG updates the and rebroadcasts the listing periodically.² Addington further describes that the plurality of servers create entries with expanded descriptions and video clips for those programs *in the near future*, but Addington fails to disclose creating a program table that includes information for programs already broadcast. Thus, Addington fails to teach or suggest *a program table creation means for creating a program table based on reply information including at least titles of programs previously broadcasted from the broadcasting station set by the setting means, broadcasting dates and times of the programs, and titles of content broadcasted in the programs*, as claimed. Therefore, amended Claim 1 is not anticipated by Addington and is

² See Addington at col. 9, lines 28-35.

patentable. Claims 2-8 depend from amended Claim 1 and are patentable for at least the same reasons as Claim 1.

Amended Claims 9 and 10 are also not anticipated by Addington. As discussed above with respect to Claim 1, Addington fails to disclose creating a program table based on the reply information including at least titles of programs previously broadcasted from the broadcasting station set by the setting means, broadcasting dates and times of the programs, and titles of content broadcasted in the programs, as claimed. Accordingly, amended Claims 9 and 10 are not anticipated by Addington, and is patentable.

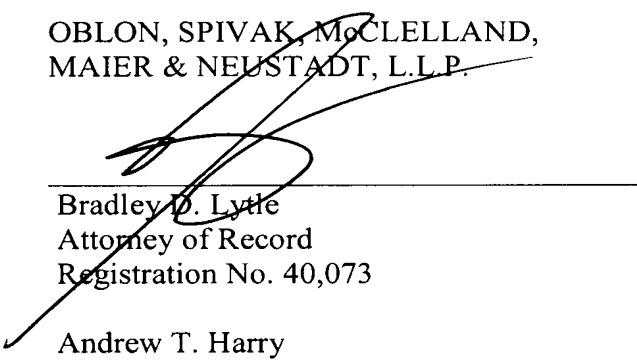
New Claim 11 is also not anticipated by Addington. As discussed above with respect to amended Claims 1 and 9-10, Addington fails to disclose a program table creation unit for creating a program table based on the reply information including at least titles of programs previously broadcasted from the broadcasting station set by the setting means, broadcasting dates and times of the programs, and titles of content broadcasted in the programs, as claimed. Accordingly, new Claim 11 is not anticipated by Addington, and is patentable.

With regard to the rejection of Claim 2 under 35 U.S.C. §103(a) as unpatentable over Addington in view of Thijssen, it is noted that Claim 2 depends from Claim 1, and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further it is respectfully submitted that Thijssen does not cure any of the above-noted deficiencies of Addington. Accordingly, it is respectfully submitted that Claim 2 is patentable over Addington in view of Thijssen.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-11 as amended is statutory and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance, and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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